



MONTANA CLEAN INDOOR AIR ACT: YOUR QUESTIONS ANSWERED

Q: What is the Montana Clean Indoor Air Act (CIAA)?

A: The CIAA is a Montana state law that requires all enclosed public places and workplaces in Montana to be smokefree as of October 1, 2009.

Q: Who passed this law?

A: The Montana legislature enacted the Montana Clean Indoor Air Act in 2005.

Q: What is an “enclosed public place?”

A: An “enclosed public place” means an indoor area, room, or vehicle that the public is allowed to enter or that serves as a place of work. Enclosed public places include but are not limited to restaurants, stores, public and private offices, health care facilities, public transportation, business vehicles, bars, casinos, and public schools.

Q: What is a “place of work?”

A: A “place of work” means an enclosed place where one or more individuals are required to be as part of their job.

Q: Are there any exceptions to the law?

A: Yes. The law does not apply to:

- Private residences, unless the residence is used as a day care, an adult foster care home, or a health care facility
- Private vehicles
- Hotel rooms designated as smoking rooms. Currently, a hotel may designate no more than 35 percent of its rooms as smoking rooms
- Sites used in connection with the practice of cultural activities by American Indians in accordance with the American Indian Religious Freedom Act.

Q: Why is the Montana Clean Indoor Air Act important?

A: The CIAA protects each individual’s right to breathe clean air, and it protects public health. Exposure to secondhand smoke causes lung cancer and other diseases. It damages children’s health. Secondhand smoke has been shown to increase risk of heart attacks after short-term exposure. In 2006, the U.S. Surgeon General declared, there is no safe level of exposure to secondhand tobacco smoke.

Q: Are businesses required to post signs?

A: Yes. Businesses are required to post “no smoking” signs that are clearly visible at all public entrances. Signage can be acquired by calling 1-866-787-5247.



Q: What should I do if I observe someone smoking at my workplace or in a place where smoking is no longer allowed?

A: You can report a violation online at tobaccofree.mt.gov. If someone is smoking at your workplace you have the right to ask your employer to enforce the law, or you can report the violation yourself.

Q: How will state and local governments handle reports of violations?

A: When a violation is reported, local Tobacco Prevention Specialists, who work under a contract with the Montana Tobacco Use Prevention Program, and local health department personnel will provide the businesses in violation with educational materials and information designed to help them comply. If repeated violations occur, the local health department will work with the city or county attorney to bring the business into compliance. Continuous non-compliance with the CIAA will be treated as a violation of state law and will likely be subject to penalty.

Q: What are the penalties for violating the law?

A: A business owner or manager who fails to comply with the law is guilty of a misdemeanor after a third violation within a 3-year period and will be warned, reprimanded, or fined as follows:

1. A warning for the first violation;
2. A written reprimand for a second violation; and
3. Within any 3-year period, a fine of:
 - \$100 for a third violation;
 - \$200 for a fourth violation; and
 - \$500 for a fifth or subsequent violation.

Q: Is the state providing assistance to people who want to quit smoking?

A: Yes. Free help is available to all Montanans who want to quit using any form of tobacco through the statewide Montana Tobacco Quit Line at 1-800-QUIT NOW.

Q: What happens if someone is smoking outside of an enclosed public place or workplace? What about smoking patios?

A: Under the current law there is no restriction on outdoor smoking near workplaces; however, local communities may adopt local policies that prohibit or restrict smoking outdoors in public places. The U.S. Surgeon General concluded there is no risk-free level of exposure to secondhand tobacco smoke. Business owners can help ensure that tobacco smoke does not infiltrate into smokefree indoor facilities by discouraging smoking outside their establishments, posting signs, and preventing smoking near doors, windows, and air intake vents.

For more information log onto tobaccofree.mt.gov or call toll-free 1-866-787-5247.